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that *Hortulanus* Vieillot, 1807, had no standing under the new Article 30 of the International Code of Zoölogical Nomenclature, inasmuch as the author failed to designate its type when founding it, and later ignored it, transferring its three original species to other genera founded by him later, one of these species becoming the type of another genus, and the other two becoming types by subsequent designation of still other genera, the genus *Hortulanus* not having in the meantime been cited by any other author, except in synonymy, and without designation of a type. Since the publication of this dictum several correspondents have written to me taking exception to it, on the basis, apparently, that a genus properly published cannot be ignored, and if not a homonym must be retained for some one of its original species. (See A. O. U. Code, Canon XIX.)

As already shown elsewhere,<sup>1</sup> the three original species of *Hortulanus* are (1) *Hortulanus erythrophthalmus* (= *Fringilla erythrophthalma* Linn.), which became the monotypic type of *Pipilo* Vieill. in 1816. (2) *Hortulanus albicollis* (= *Fringilla albicollis* Gmel.), which became type by designation of *Zonotrichia* Swains. 1831 in 1832. (3) *Hortulanus nigricollis* (= *Emberiza americana* Gmel.), which became the type of *Spiza* Bonap. 1824 by subsequent designation of the founder in 1827.

If *Hortulanus* is to be retained as a properly founded generic name, the application of the rule of priority to the case would make *Fringilla albicollis* the type, and *Zonotrichia* a synonym of *Hortulanus*.—J. A. ALLEN, *American Museum of Natural History, New York City*.

**The Accidental Occurrence of the Green-tailed Towhee (*Oreospiza chlorura*) in Virginia.**—Mr. John B. Lewis captured a male of this species at his home, one mile west of Bower's Hill, Virginia, on January 26, 1908, which was subsequently sent to me for identification. The bird was first discovered by his fourteen year old son, in company with White-throated Sparrows, in a thicket along the edge of an open field, and Mr. Lewis stated that its actions resembled very closely those of the sparrows. Bower's Hill is about seven miles southwest of Portsmouth, and within a mile of the border of the Dismal Swamp.

So far as I can find, there is no other published record of the Green-tailed Towhee east of San Antonio, Texas.

The specimen in question, although in very poor condition when received, was immediately preserved and is now in the writer's collection.—G. C. EMBODY, *Ashland, Va.*

**Type Locality of *Vireo pusillus*.**—It is unfortunate that Mr. Grinnell (see Auk, January, 1908, pp. 85, 86) was not able to consult the original description of *Vireo pusillus*, for if he had done so it would have been quite clear to him that the type specimen—that is, the specimen on which the description was based—is given as "No. 16,954, Smiths. Register, ♂,

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<sup>1</sup> Bull. Amer. Mus. Nat. Hist., XXIII, p. 360, April 15, 1907.

Cape St. Lucas." That Dr. Coues, at that time, was in the habit of designating types in connection with new species which he described is clearly shown by his action in the case of *Dendroica graciae* (p. 67), *Vireo plumbeus* (p. 74), and *V. vicinior* (p. 75). In the case of the last, only, does he take the trouble to use the word type ("Type and only known specimen No. 1507 of my collection," etc.); but even if his intent was not thus perfectly evident, the mere fact that only one specimen is mentioned in connection with his original description of the new species (*Vireo pusillus*), that from Cape St. Lucas, necessarily fixes that specimen as the type, according to the very general and perfectly correct practice in such cases. His designation, twenty-two years later, of another specimen as type may properly be regarded as a mere lapse of memory; but even if not so regarded, the answer may be made that an author has no more right to change his type of a particular species than to change its name without (in the latter case) good reasons for doing so.—ROBERT RIDGWAY, *Washington, D. C.*

**Swainson's Warbler** (*Helinaia swainsoni*).—On the afternoon of June 17, 1907, Mr. Howard Ray and myself had the good fortune to see, and hear, the rare Swainson's Warbler. It was found about four miles north of Du Quoin, Perry County, Illinois, in a narrow but tall and dense growth of willows, which bordered a low, wet pastureland. As we entered the thicket, our attention was attracted by the loud whistle of some new bird. Going in the direction from which the call came, we found a plain-colored warbler perched about twenty feet from the ground among the smaller branches of the willows. It did not notice us at first, but seemed to put all its spirit and energy into its song. The upper parts of this bird were olive brown, the superciliary line dull white, the under parts dusky white slightly tinged with yellow, and the crown a dull reddish brown, approaching the extreme dull color variation described by Mr. Brewster.<sup>1</sup> Unfortunately we had no gun with us and were unable to make a subsequent visit to that locality. There are extensive areas of low, swampy timberland along the Little Muddy River, which contain an abundance of aquatic vegetation and dense shrubbery that are doubtless attractive resorts for this swamp-loving species.

The only other record of this bird in Illinois, as far as I have been able to discover, is that made by Mr. Robert Ridgway and Mr. Brewster in the vicinity of Mount Carmel, southern Illinois, in the spring of 1878.<sup>2</sup>—ALFRED O. GROSS, *Urbana, Ill.*

**Late Occurrence of the Black-poll Warbler** (*Dendroica striata*) in the District of Columbia.—As is well known, the belated spring weather of 1907 affected the birds in almost every locality in the eastern United States;

<sup>1</sup> Auk, Vol. II, 1885, p. 87.

<sup>2</sup> Bulletin N. O. C., Vol. III, p. 163.